ELGIN CITY COUNCIL AGENDA

ELGIN COMMUNITY CENTER — JUNE 10, 1997

CALL TO ORDER 7:00 pm

APPROVE THE MINUTES of May 13 and May 14, 1997

SUPERVISORS REPORTS

Police	Dayton Sibley
Public works	Kyle Boylen
Library	Sandra Good
Fire	Pat McDonald
Ambulance	Merle Laci
Municipal court	Ralph Howell
Recorder	Joe Garlitz

HEARINGS

7:10 Improvement District, Birch & 20th.
7:15 Improvement district, Carolyn Terr.
7:20 Improvement District, N. 13th.

CITIZENS TO SPEAK

Shirley Peters and Marilyn Lane, re: Use of Opera House offices.
Ron Schmittle, re: keeping horses in R-1 zone

COMMITTEE REPORTS

Administration: Councilors Cooper and Stover
Public Works: Councilors McMullen and Churchill
Public Safety: Councilors Short and Bennett

OLD BUSINESS

Ord 118, Vacation of a portion of S. 12th Ave, 2nd reading/adopt.
Vacation of Alley in Hug's subdivision; continued
Manufactured Home ad hoc committee
FmHA Loan refinance

NEW BUSINESS

Ord 119 accepting Report for Improvement Dist, Birch & 20th.
Ord 120 accepting Report for Improvement Dist, Carolyn Terr.
Ord 121 accepting Report for Improvement Dist, N. 13th.

CORRESPONDENCE

CCIN re: new health insurance rates
LOC re: City budgets

GOOD OF THE ORDER

Approve bills

ADJOURN

CITY of ELGIN
COUNCIL MINUTES FOR JUNE 10, 1997

COUNCILORS PRESENT-	Pat McMullen
	John Stover
	Berta Churchill
	Misty Bennett
	Rick Smith - Mayor
ABSENT-	Leroy Short
	Kevin Cooper

Call to Order
The meeting was called to order at 7 pm by Mayor Rick Smith.

Approval of Minutes
The Mayor called for approval of the minutes of the meeting of May 13 and 14, 1997. Councilor Stover noted that for the minutes of May 13, page 4, the person seconding the motion to approve Resolution 1029 was not recorded. The Recorder's notes show that Councilor McMullen was second to the motion. Councilor Stover moved to approve the minutes of May 13 and 14, with the correction. Councilor McMullen was second. The vote was unanimous for approval, motion carried.

Supervisors Reports
The Mayor called for the supervisors reports.

Police- Chief Sibley requested that the Council consider indexing Officer Weaver's salary before final acceptance of the budget

Public works- Kyle Boylen had no report.

Library- Sandra Good reported that EOU Library has finally returned the Pioneer Grant contract. She reported that after she sent her letter, the user board agreed to send out minutes of board meetings to all member libraries.

Fire- Chief McDonald; absent, no report.

Ambulance- Merle Laci; absent, no report.

Municipal Court- Ralph Howell presented the court docket. He told the Council that the Court processed the first impound/tow, indicating that it had the intended effect on the vehicle operator.

Recorder/Administrator- Joe Garlitz presented the most current estimate of property tax receipts from the State.

Hearings:

7:10 Improvement District, Birch & 20th.

Mayor Smith opened the hearing to receive public comments on the Improvement District and assessments of properties on the west end of Birch and the south end of 20th. Dennis Cross was present and stated his approval of the project. No one else was present to comment. Several property owners have contacted the City Office stating their support for the improvements. No adverse comments have been received by the City.

7:15 Improvement District, Carolyn Terrace

Mayor Smith opened the hearing to receive public comments on the Improvement District and assessments of properties on the west end of Carolyn Terrace. No one was present to comment for or against the project. Several property owners have contacted the City Office stating their support for the improvements. No adverse comments have been received by the City.

7:20 Improvement District, N. 13th.

Mayor Smith opened the hearing to receive public comments on the Improvement District and assessments of properties on the north end of 13th, a newly accepted right-of-way. John Robinson, pastor of the Baptist Church, was present as an involved property owner. Mr. Robinson expressed concern that the street as it is presently configured does not provide adequate drainage for surface water and does not afford access to the driveways that service the church. Mr. Boylen has discussed these problems with the contractor, Chris Reis, and has been assured that the street will be properly constructed to take care of these concerns. No one else was present to comment for or against the project. Most of property owners have contacted the City Office stating their support for the improvements. No adverse comments have been received by the City.

Citizens to Speak

Shirley Peters and Marilyn Lane, re. Use of Opera House offices.

Marilyn Lane presented a proposal to lease the office space in the Opera House when the new City Hall is completed. After discussion it was agreed that a new lease for the Opera House would be drafted to include the office spaces, since a new lease has to be approved before the end of the year.

Ron Schmittle, re. keeping horses in R-1 zone.

Ron & Lynn Schmittle were present requesting permission to keep a horse on their property at 1670 Palmer Street. The property is in the R-1 zone. Mr. Schmittle read a prepared statement outlining the information that had been given to him by the City Recorder and the Elgin Police. He stated that he wanted to be able to "legally" keep a horse on his property, and felt the City staff was not being cooperative. Mr. Garlitz stated that the only way a horse could be kept on property in the R-1 zone is to change the ordinance. The existing code, 17.16.030(C1), states that "Under no circumstances shall cows, horses ... be kept in the residential (R-1) zone." Only properties with pre-existing animals are legal under the "grandfather clause". The intent of the pre-existing permission is to allow a transition from the previous standard to the current standard. It is intended to be a one-way street. The Schmittles' argued that either a conditional use or a variance should be available to them. Mr. Garlitz stated that a conditional use was not appropriate

since the ordinance specifically prohibited the proposed use. He further stated that while a variance could relax the standards required in a particular zone, the purpose of a variance is to preserve, for the owner, a property right allowed to other property owners in the same zone that would be restricted without the variance. Since horses are prohibited in the R-1 zone there is no basis for granting a variance. After a lengthy discussion of the alternatives, Councilor Churchill moved to proceed with a hearing to change the zoning ordinance to allow some circumstances under which horses can be kept in the R-1 zone, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Tim Cotton, Humane Society; re. bill for holding dog.

Mr. Cotton presented a bill to the City for housing a dog that was picked up at a private residence in Elgin by the Union County Sheriff's Department and taken to the Union County animal shelter. The bill was given to the Police Chief for review by the Recorder. The Chief indicated that he felt this was not the obligation of the City, since the dog was taken from the private residence of the person caring for the dog by a Sheriff deputy and at his discretion placed in the animal shelter. No City employee was consulted as to these actions.

Mr. Cotton stated that the Elgin Police Department was informed (Note: after the fact) and that the City did have an obligation. He then proceeded to make allegations regarding possible negligence of the City, at which point Mr. Garlitz stated that Mr. Cotton should not be making unsubstantiated allegations about what the City did or did not do in this matter. Councilor Stover moved to pay the bill for $130, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Committee Reports

The Mayor then called for the committee reports.

Administration: Councilor Stover noted that the bills had been reviewed.

Public Works: Councilor McMullen and Churchill, no report.

Public Safety: Councilor Bennett stated that the cross-walks had been painted in the vicinity of the school and the downtown area.

Old Business

Ord 118, Vacation of a portion of S. 12th Ave, 2nd reading/adopt.

Ordinance 118, vacating a portion of South 12 Avenue was read by title and presented for adoption. Councilor Churchill moved to adopt Ordinance 118 as read, with Councilor McMullen as second. The vote was four in favor of the vacation with Councilor Bennett abstaining due to her conflict of interest as noted in the previous meeting. The motion carried.

Vacation of Alley in Hug's subdivision; continued

Mayor Smith re-opened the hearing regarding the vacation of the alley along the North boundary of the Grande Ronde Estates. The council has inspected the alley right-of-way. The ensuing discussion centered on the alternatives available to the Council, namely not vacating the alley, vacating the entire alley or vacating a portion of the alley. It was the

consensus of the Council that the portion of the alley from 8th Avenue east should not be vacated. It was also the consensus of the Council that continued development of 8th Avenue northward would provide adequate access to the undeveloped properties between 8th Avenue and Palmer Junction Road. However, several of the Councilors express reservation about vacating the alley-way between Palmer Junction Road and 8th Avenue. Mayor Smith poled the Council regarding the vacation, all Councilors indicated an opposition to the vacation of the alley-way at this time. Councilor Stover moved to abandon the proceedings to vacate the alley-way, with Councilor Churchill as second. The vote was unanimous for approval, motion carried.

Manufactured Home ad hoc committee: Glenn Clark, as spokesman for the ad hoc committee, presented a draft ordinance proposing changes to the standards for manufactured homes and residential lot requirements. The draft proposes to change the minimum floor area for manufactured homes from 720 square feet to 800 square feet, to limit the age of a manufactured home for a new installation to 15 years, to increase the minimum single family residential lot size from 5,000 to 6,000 square feet, and to increase the backyard set-back from five feet to 15 feet.

After discussion of the impact of changing the minimum lot size to 6,000 square feet, the committee suggested leaving the minimum at 5,000 square feet. It was the consensus of the Council that these changes be scheduled for a hearing together with the zone change to allow horses since they are both parts of the same ordinance.

FmHA Loan refinance: Mr. Garlitz presented a two payment schedules proposed by two lending agents for refinancing the FmHA Sewer Loans. Pioneer Bank has been approached regarding financing the loans. They have not yet presented a proposal. The matter was table until the Pioneer Bank can respond.

New Business Ordinances 119, 120 and 121 accepting the reports for Improvement Districts on Birch & 20th, Carolyn Terrace and N. 13th Avenue respectively were presented for the first reading. The Ordinances will be presented for the second reading at the next Council Meeting in July.

Correspondence The following correspondence was noted: CCIN re: new health insurance rates and LOC re: City budgets and Measure 50 impacts; no action was required. NEOHA letter asking for comments on their proposed construction program. The letter contained no information regarding what was proposed. Mr. Garlitz suggested that each Councilor contact NEOHA requesting some minimum detail on their proposed work.

Good of the Order Councilor Stover asked about taking action on Chief Sibley's request to index Officer Weaver's salary. Mr. Garlitz was requested to present wage information to the Council at their budget hearing on June 24.

Councilor McMullen moved to approve the bills, with Councilor Churchill as second. The vote was unanimous for approval, motion carried.

Councilor Churchill moved to adjourn, with Councilor Stover as second. The vote was unanimous for approval, motion carried.

Minutes respectfully submitted;

Joe Garlitz, Recorder/Administrator